

OPTIONAL EA, FONSI and DR FORM

ENVIRONMENTAL ASSESSMENT

EA NUMBER: OR-035-02-02

BLM Office: Baker Resource Area

Lease/Serial/Case File No.

Proposed Action Title/Type: NHOTIC 10th Anniversary Wagon Train Trip

Location of Proposed Action: From Oxman T.11S. R.42E. Sec 1 SE of SW to Ruckles Creek Road
Well T. 9S. R. 41E. Sec. 5 SW of SE

Applicant (if any): Bureau of Land Management, National Historic Oregon Trail Interpretive Center

Conformance With Applicable Land Use Plan:

This proposed action is subject to the following land use plan.

Name of Plan: Baker Resource Management Plan **Date Approved:** 7/12/89

This plan has been reviewed to determine if the proposed action conforms with the land use plan terms and conditions as required by 43 CFR 1610.5.

Remarks:

Need for Proposed Action: Request for Permit / Letter of Authorization for Wagon Train trip

Description of Proposed Action: See Attached documentation

Environmental Impacts:

Critical Element	Affected		Critical Element	Affected	
	Yes	No		Yes	No
Air Quality		X	T & E Plants		X
ACECs		X	Wastes, Hazardous/Solid		X
Cultural Resources	X		Water Quality		X
Farmlands, Prime/Unique		X	Wetlands/Riparian Zones		X
Floodplains		X	Wild & Scenic Rivers		X
Native American Religious Concerns		X	Wilderness		X
T & E Animals	X				

Purpose and Need:

The proposed action is to authorize a wagon train re-enactment for the 10th anniversary celebration of the opening of the National Historic Oregon Trail Interpretive Center. The proposed wagon train is a local initiative by the Oregon Trail Tenders Association, a non-profit volunteer organization. Trail Tenders organizers are responsible for obtaining permission to cross private lands. This EA will address issues concerning the Oregon Trail Tenders Association request for a Letter of Authorization for the re-enactment of crossing the Oregon Trail. The need for developing the EA is to comply with laws, mandates, regulations, policies, and Executive Orders in directing multiple-use management on public land.

Scope of Proposed Event:

The event will occur from May 23rd through May 26th, 2002. The wagon train will consist of approximately 15 horse drawn wagons with 32 horses. Each wagon will have approximately 2 riders. There will be 75 horses and riders, 150 people walking, 2 portable toilets, a water truck with potable water and stock water, a hay wagon, a sag wagon, a fire engine, and chase vehicles following the wagon train. Walkers will be confined to a 60 foot wide corridor along the route; wagons and horseback riders will stay on the existing dirt and two-track roads. There would be no road blading or brush removal to improve passage for wagons. The wagon train route covers approximately 22 miles crossing approximately 8 miles of BLM managed land. The wagon train is expected to overnight camp at 4 locations along the route. These campsites are expected to be about 5 acres in size, with 2 located on private land and two campsites located on BLM. A caterer will be at each of the campsites along with several more portable toilets. Chase and support vehicles will shuttle personnel to and from each of the campsites. Campsites will be rehabilitated after use. See attached for further details.

Description of Impacts:

Special Status Species Wildlife

The greater sage grouse has been identified as a Bureau Sensitive Species and is afforded the same protection and management considerations as a Federal Candidate Species. Additionally, BLM Manual 6840 states that federal actions will not contribute to the need to list a species on the Endangered Species List. Populations have declined as the extent of sagebrush-steppe habitat has declined. In 1999, sage grouse in Washington and southwest Colorado were petitioned for listing under the Endangered Species Act because of population and habitat declines. In May 2001, the U.S. Fish and Wildlife Service found the Washington population warranted but precluded from listing due to higher priorities and lack of sufficient time. Data collected on sage grouse in the Virtue Flats area since the 1940's indicate a significant decline in sage grouse numbers and leks. Past management activities on both private and public lands has contributed to the decline in the amount of suitable habitat. Private dwellings from mining between 1880 and 1945; highway development in the 1940's; conversion of sagebrush to agricultural fields, crested wheat grass and other grasses for livestock grazing; OHV areas; shooting ranges; and the National Historic Oregon Trail Interpretive Center have all contributed to the loss of habitat in the area. Other recent developments in the area include approval of several houses and the conversion of sagebrush habitat to potato and alfalfa fields. Current analysis of the area indicates that approximately 60% of the area is considered suitable nesting habitat for sage grouse. However, with the continued activities in the area, and the recent occurrence of wild fires, that number is decreasing.

The route to be taken on the Wagon Train trip will course through approximately 12,000 acres of habitat considered suitable for nesting sage grouse. Planned campsites, approximately 5 acres in size, will be located in sage grouse habitat. Current guidance and recommendations (Connelly, et. al., 2000) state that protection of suitable nesting habitat within 5 kilometers (3.1 miles) of active lek locations should occur. There are approximately 9 active leks that are within 5 kilometers of the planned wagon train route. Guidance for recreation activities in *Greater Sage Grouse and Sage Steppe Ecosystems – Management Guidelines* states to; "Initiate emergency seasonal or area closures as needed to protect

key habitat of sage grouse”.

The nesting period of greater sage grouse occurs from mid-April through mid-June. The Wagon Train trip is planned to occur from May 23rd through May 26th. This would be during the middle of the nesting season. Disturbance to nesting birds could cause the birds to abandon the nest and expose the eggs or young to predation and the elements. This is in direct contradiction to Manual 6840 where it states that BLM will not contribute the need to list. By exposing the young and eggs to predation or elements, the potential for loss of production of the individual bird for that year is high. Nesting success, nest initiation and re-nesting varies throughout the range of the species. Despite the variation, sage grouse generally have low reproductive rates and high annual survival compared to most gallinaceous species (Connelly, et. al. 2000). Therefore, any threats to reproductive rates would exacerbate the already low rates.

Impacts associated with 15 wagons; 150 plus people; 16 horse teams; 75 saddle horses; and approximately 12 support vehicles would be high to nesting sage grouse near the planned route. It is unknown how long a nesting sage grouse would be displaced off of the nest once it is disturbed. It is also unknown how close the disturbance needs to be for the sage grouse to leave the nest. Most ground nesting birds remain at the nest until the threat is relatively close. However, not all ground-nesting birds behave in the same manner and the distance required for disturbance as well as the time away from the nest would vary.

Impacts associated with the campsites will be high in concentrated locations along the route. Approximately 5 acres of sage grouse habitat would be impacted at each campsite. The effects of the impacts would be the temporary elimination of sage grouse nesting habitat. Because nesting would be occurring during the wagon trail trip, this habitat would not be usable again until the following nesting season, unless damage to the vegetation is beyond recovery. Sagebrush plants cut or trampled would not recovery for several years and may not recovery at all. This would eliminate sage grouse nesting habitat, as well as other habitat types in that location for several years, possibly decades.

Cultural Resources

Cultural resource inventories of the proposed route and campsites have been initiated but have not yet been completed, due to wet road conditions currently preventing access to upland areas between Oxman and Virtue Flat. Routes and campsites on private land will be inventoried for cultural resources if property owner permission can be obtained. Four campsites, two on BLM land and two on private land, are planned along the three-day, 22-mile journey. Located adjacent to Highway 86, the ‘end of the ride’ campsite on BLM land has been intensively inventoried for cultural resources. With the exception of some isolated historic debris (for example, rusted tin cans and glass fragments post-dating 1900) no archaeological resources were identified at the final campsite. A ‘first night’ campsite on BLM land north of Oxman, Oregon, also will be surveyed for cultural resources. Two mid-journey campsites on private land would be examined for cultural resources, if property owner permission is given. Both campsites on private land have been previously impacted by livestock corrals and rangeland water developments, and have low probability for intact cultural resources. None of the planned wagon train campsites is located on the route of the Oregon Trail.

Although none of the proposed wagon train route crosses Oregon National Historic Trail on BLM land, portions of the route coincide with or cross the Oregon Trail on private land. The primary route of the Oregon Trail is shown on maps in the National Park Service’s Comprehensive Management and Use Plan: Oregon National Historic Trail (1981: Appendix III). Descriptions and maps of the Oregon Trail route are also found in John Evans’ book Powerful Rocky: The Blue Mountains and the Oregon Trail (Evans, 1990: Maps 3-6 through Map 3-8, Eastern Oregon State University). In 1843, the first wagon train crossed Virtue Flat, heading to a campsite at the Lone Pine Tree on the Powder River Slough. Between 1843 and 1870, this emigrant road was a primary route of travel through the area, until a better stage road was established from Baker City south to the Burnt River Valley. Following the discovery of gold on Virtue Flat in the mid-1860s, and into the early 20th century, the route of

the Oregon Trail was used by freight wagons traveling to and from the mines. More than 100 years of ongoing historic use helped establish the present day appearance of the Oregon Trail on Virtue Flat. The proposed use of animal drawn wagons, horseback riders and walkers is compatible with past historical uses of the Oregon Trail route on Virtue Flat.

Most of the wagon train route follows an existing dirt road along the ridge from Alder Creek at Oxman, to Virtue Flat. The road crosses 7.8 miles of BLM land and 14.4 miles of private land, and has been used by motorized vehicles for ranch access, cattle gathering, and hunting. One previously recorded cultural resource site on BLM (35 BA 198) will be avoided by limiting travel to the existing road. About 1.5 miles west of the McKenzie Windmill, the proposed wagon train route follows a well-defined road on private land which crosses the recorded route and ruts of the Oregon Trail, according to National Park Service route maps (National Park Service, 1981, Oregon National Historic Trail Comprehensive Management and Use Plan). On Virtue Flat, 2.7 miles of the proposed route is on a graveled county road; while 2.5 miles on private lands follows segments of a two track road which coincides with the route of the Oregon Trail and, in places, parallels a distinct swale of wagon ruts overgrown with sagebrush. On Virtue Flat both the two-track road and parallel rut swale are traces of the Oregon Trail. Whether or not there is any evidence of emigrant campgrounds or graves on private land is unknown, but if these exist nearby they are unlikely to be affected by temporary use of the existing two-track trace. Some isolated, surface historic artifacts that may be present in the two track road on private land could be exposed or altered by wagon train passage.

Description of Mitigation Measures and Residual Impacts:

Special Status Species Wildlife:

The following stipulations shall be applied except in emergency situations. Wagon Train Route: All participants and equipment associated with the wagon train shall remain on the two-track, four-wheel drive roads between campsite locations at all times. There will be no driving wagons or vehicle through the adjacent shrub habitat along the route. No domestic dogs or cats shall be allowed on the wagon train. If at any time a nesting sage grouse or other ground nesting bird is displaced from it's nest or flushed from the surrounding vegetation, there will be no attempt by any wagon train participant or support person, other than the wildlife biologist, to locate the nest. Wagon train participants will continue along the route without stopping.

Campsite locations: Campsites will be designated with stakes and ropes or flagging. Wagon train participants, support vehicles, horses, and wagons will be limited to the designated area. Fires shall be confined to the fire rings. There will be no gathering of firewood. There will be no cutting or trampling of native shrubs.

There would be no additional or residual impacts associated with the preceding mitigation measures.

Cultural Resources:

If any archaeological resources are found during inventories, campsites would be relocated to an area with no identified cultural resources. If cultural resources are identified on the private land, BLM will work with wagon train organizers and property owners to avoid the cultural resource by identifying alternate campsite areas or boundaries.

A reconnaissance of the existing dirt, two track route between Oxman and Highway 86 will be conducted to identify places where wagon and horseback travelers should stay on the well used, existing roadway, in order to avoid impacts on historic wagon ruts or other cultural resources located either in or adjacent to the two-track road. No artifact collecting or metal detecting by participants or support personnel will be permitted. When crossing Virtue Flat, motorized support vehicles will stay on the improved, graveled county road and will not follow the wagon train across two track routes, except in the event of an emergency (e.g., medical or fire). BLM staff will accompany the wagon train to monitor activities. If

permission can be obtained, the historic route of the Oregon Trail across private land on Virtue Flat will be photographically documented and mapped using Global Positioning System equipment. Additional mitigating measures stipulated for campsite rehabilitation, wildfire control and protection of sage grouse habitat would augment these cultural resource mitigations. If roads become impassable due to wet weather conditions on Memorial Day Weekend, the wagon train will be diverted to an alternate route on the Ruckles Creek graveled county road.

With these avoidance and mitigating measures, the proposed wagon train would have no effect on any archaeological sites, and would have no adverse effect on the Oregon National Historic Trail. Field inventories and consultation with the Oregon State Historic Preservation Office will be completed, and additional mitigating measures recommended by the Oregon SHPO will be incorporated, prior to issuing the BLM letter of authorization.

Persons/Agencies Consulted:

George Keister, District Biologist, Baker District, Oregon Department of Fish and Wildlife.

Preparer(s): s/Gregory Miller

Date: May 2, 2002

Environmental Coordinator: _____

**Decision Record
And
Finding of No Significant Impact**

**National Historic Oregon Trail Interpretive Center
10th Anniversary Wagon Train Trip**

**Baker Resource Area
Vale District
Bureau of Land Management
Baker City, Oregon**

This Decision Record and Finding of No Significant Impact (FONSI) documents my decision to issue a Letter of Authorization for the NHOTIC 10th Anniversary Wagon Train Trip as presented in the Environmental Assessment (OR-035-02-02). I have included in my decision, mitigating measures concurred upon by the Baker Field Office Wildlife Biologist and Archeologist.

Public Comment Review

The Public Notice of the action was published in the Baker City Herald for public review and comments on the planned action for a 15-day review period. There were no public comments received during that time period.

Decision

My decision to issue a Letter of Authorization is based upon the interdisciplinary analysis contained in the EA OR-035-02-02 (attached), the supporting record, field review, and public comments received.

My decision is also based on the premise that if any significant Cultural Resources are located along the Wagon Train route during subsequent surveys, the route will be altered to avoid these sites.

All mitigating measures, stipulations, design features, and monitoring described in the EA are incorporated into project implementation.

Decision Rationale

The project will not have adverse affects on Cultural Resources or Wildlife Resources because of the mitigating measures set forth. No disproportionately high adverse human or environmental impacts on minority or low-income populations or Indian tribes is likely to result from the proposed action. This plan meets none of the criteria for significance. This action is consistent with the Baker Resource Management Plan (1989) Record of Decision.

Finding of No Significant Impact

On the basis of the information and analysis contained in the EA OR-035-02-02, I have determined that there are no significant impacts associated with the proposed action. In relation to context, the project's affected region is localized, and the effects of implementation are relevant to the area affected by other activities in the area. In relation to intensity or severity, the actions have mitigation to cultural and wildlife resources; there are no unique characteristics involved; there is no apparent controversy about the quality of the human environment; there are no highly uncertain or unique or unknown risks; the action does not appear to be related to any other action that could be significant; there are no impacts to sites that could be listed on the National Register of Historic Places or cause loss of scientific, cultural, or historic resources; there is no significant impact to any species listed by the Endangered Species Act; there is no violation of any law requirement protecting the environment.

I have determined that as long as the mitigating measures are followed and significant Cultural

Resources are not located during subsequent surveys, implementing the action associated with the Wagon Train plan will not cause resource degradation. Based on the analysis of the environmental impacts contained in the referenced Environmental Assessment (OR-035-02-02) and its supporting documentation, I have determined that the impacts are not expected to be significant and an Environmental Impact Statement is not required.

Appeal Rights

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and Form 1842-1. If an appeal is taken, a notice of appeal must be filed in this office (BLM, 3165 10th St, Baker City, Oregon 97814) within 30 days from the date of this notice. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition (request), pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993), for a stay (suspension) of effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification base on the standards listed below. Copies of the notice of appeal and petition for a stay must be also submitted to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed wit this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Except as otherwise provided by low or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

 5/2/02

Penelope Dunn Woods
Baker Field Office Manager,
Baker Resource Area, Vale District,
Bureau of Land Management

Date